

## REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 3, 8, 10, 12, 13, 24, 30, and 41 remain pending, with Claims 8, 24, and 41 being independent. Claims 1, 2, 4-7, 9, 11, 14-23, 25-29, 31-40 and 42-48 have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 3, 8, 12, 24, and 41 have been amended. Support for the claim amendments can be found throughout the original disclosure, including, for example, the originally-filed claims. Thus, Applicant submits the amendments recite no new matter.

In the Office Action, Claims 16-22, 24-29 and 31-33 were rejected under 35 U.S.C. § 101 as being directed to non-statutory matter.

In response, Applicant has amended Claim 24, the remaining independent claim directed to a computer program, so as to recite that the computer program is “stored on a computer-readable medium,” as suggested in the Office Action. Accordingly, Applicant submits the rejection under 35 U.S.C. § 101 has been overcome.

The Office Action rejected Claims 1-5, 8-11, 14, 16-20, 23-27, 30, 31, 33-38, 41-44 and 47 under 35 U.S.C. § 102(b) as being anticipated by Hsieh et al. ‘770 (U.S. Patent No. 6,236,770). Claims 6, 12, 21, 28, 39, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hsieh et al. ‘770 in view of Hsieh et al. ‘688 (U.S. Patent No. 6,005,688). Claims 7, 13, 15, 22, 29, 32, 40, 46, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hsieh et al. ‘770 in view of Suzuki et al. (U.S. Patent No. 5,239,392).

Applicant respectfully traverses the rejections. Nevertheless, without conceding the propriety of the rejections and solely to expedite prosecution, Applicant has amended independent Claims 8, 24, and 41 to clarify the distinctions between the invention recited therein and the cited references. To this end, Applicant submits the claims are distinguishable over the cited references, for at least the following reasons.

The Office Action cites Hsieh et al. '770 as allegedly disclosing a movable image sensing unit comprising, *inter alia*, a controller that controls the relative movement between an image sensing unit and a document image.

Applicant respectfully submits, however, that Hsieh et al. '770 fails to teach or suggest a controller moving an image sensing unit in a direction opposite to the sub-scanning direction when a larger distance is needed between one document image and a next document image to accelerate the image sensing to a scanning speed, as recited in independent Claim 8. The only reference in Hsieh et al. '770 to any type of “acceleration” occurs at col. 2, lines 13-19:

“After scanned the designated area 32, the scanning method 54 will make the scanning module 20 move back to the top edge of the designated area 34. Such backward movement of the scanning module 20 is quite difficult to control and will cause continuous change of the operating status of the scanning module 20 such as accelerating, decelerating, and stop.”

In this passage, Hsieh et al. '770 only appears to reference acceleration in terms of backward of the scanning module between scans. Hsieh et al. '770 does not disclose or suggest the controller moving the image sensor to account for a distance needed for acceleration to scanning speed. That is, Hsieh et al. '770 does not disclose the controller moving the image sensor “when a larger distance is needed between the one and next

document images to accelerate said image sensing unit to a scanning speed,” as recited in Claim 8.

Independent Claim 24 recites a control program that moves an image sensing unit relatively backward when “a larger distance is needed between the one and next document image to accelerate the image sensing unit to a scanning speed.” Independent Claim 41 recites a scanning method wherein “the image sensing unit is moved relatively backwardly when a larger distance is needed between the one and next document images to accelerate the image sensing unit to a scanning speed.” Thus, Hsieh et al. ‘770 does not anticipate or suggest the features recited in Claims 24 and 41, for at least the same reasons discussed above in relation to Claim 8.

Applicant further submits the secondary citations to Hsieh et al. ‘688 and Suzuki et al. fail to cure the deficiencies of Hsieh et al. ‘770. Neither of these references teaches or suggests moving an image sensing unit when a larger distance is needed between documents to accelerate an image sensing unit to a scanning speed. Thus, the cited references, whether taken individually or collectively, fail to teach or suggest Applicant’s invention, as recited in independent Claims 8, 24, and 41.

The other claims in this application depend from one of independent Claims 8 and 24, and, therefore, are patentable for at least the reasons set forth above. Since each dependent claim also defines additional aspects of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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